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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE TERRITORY OF GUAM

9 UNITED STATES OF AMERICA,
10
11 Plaintiff,
12 vs.
13 RICKY JAMES JR. SALAS SANTOS,
14 Defendant.

CRIMINAL CASE NO. 20-00021

**UNITED STATES' RESPONSE TO
DRAFT PRESENTENCE REPORT**

15
16 Comes now, the United States of America having reviewed the draft Presentence Report
17 filed on October 1, 2021 (ECF No. 125) and files this response.

18 **Paragraph 27.** The U.S. Probation Office indicates that the base offense level under USSG
19 § 2D1.1(a)(5)(c)(4) is 32. The United States notes that the parties agreed in the plea agreement that
20 the Defendant's Base Offense Level is 30. (ECF No. 119, Plea Agreement, at 7).

21 USSG § 2D1.1(a)(5) states:

22
23 "(5) the offense level specified in the Drug Quantity Table set forth in subsection (c), except
24 that if (A) the defendant receives an adjustment under §3B1.2 (Mitigating Role); and (B) the
base offense level under subsection (c) is (i) level **32**, decrease by **2** levels..."

25 **Paragraph 30.** The Government requests that the Draft Presentence Report reflect that
26 Defendant is a minor participant pursuant to USSG § 3B1.2(b), with a decrease of two levels. (ECF
27 No. 119, Plea Agreement, at 8).
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1 The United States adopts the remaining findings of the draft Presentence Report.

2 Respectfully submitted this 5th day of October, 2021.

3 SHAWN N. ANDERSON
4 United States Attorney
5 Districts of Guam and NMI

6 By: /s/ Rosetta San Nicolas
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